REMARKS

Claims 1-29 are pending in the above-identified application. Claims 1-29 were rejected.

With this Amendment, claims 1, 14, 15, 26, 28, and 29 were amended.

35 U.S.C. § 112 Indefiniteness Rejection of Claims

Claim 14 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention. Applicants has amended claim 14 and requests withdrawal of this rejection.

35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-3, 10-13, 15-17, 24-27 and 29 were rejected under 35 U.S.C. § 102(b) as being

anticipated by *Ginter et al.* (U.S. Patent No. 5,892,900). Claims 4-9, 14, 18-23 and 28 were

rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ginter et al.*, in view of *Bianco et*

al. (U.S. Patent No. 6,256,737). Applicants respectfully traverse these rejections.

As amended claim 1 recites that the template contains "at least one piece of personal

biotic information or personal non-biotic information." In the Examiner's discussion of claim 14,

the Examiner admitted that *Ginter* does not teach a template that includes personal biotic or non-

biotic information. Instead, the Examiner argued that such a template was disclosed by *Bianco*.

Applicant respectfully disagrees.

Bianco teaches a method for using biometric measurements to authenticate users. In

particular, *Bianco* discloses that the biometric data associated with a person is saved in a server

and then used to authenticate that person's use of various devices. *Bianco* does not, however,

disclose creating an identification certificate issued by an identification authority that includes

such data, nor that such information can be used in an identification certificate to authenticate

distributed encrypted content.. Thus, *Bianco* does not teach, or even suggest, a template having personal biotic information or personal non-biotic information.

Applicant also submits that there is no motivation to combine *Ginter* with *Bianco*. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is <u>some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art</u>. MPEP Section. 2143.01 (emphasis added). Here, there is no such teaching, suggestion or motivation. *Ginter* teaches the use of various keys for authenticating users. However, *Ginter* suggests no method for creating an identification certificate using any type of information personal to the user, nor expresses any need for such a certificate. Thus, Applicant submits there would be no reason to use the biometric information discussed in *Bianco* with the disclosure in *Ginter*. If the Examiner continues to present this rejection, Application requests that the Examiner identify specific portions in *Ginter* that provide the requisite motivation.

Accordingly, Applicant submits that independent claim 1, as well as dependent claims 2-14 are allowable. For similar reasons, Applicant submits that claims 15-29 are also allowable.

In view of the foregoing, Applicants submit that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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